

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION

CENTRAL CALIFORNIA AREA OFFICE
FOLSOM, CALIFORNIA, 95630

FINDING OF NO SIGNIFICANT IMPACT

Long-Term Warren Act Contract for the 40-Year Diversion and
Rediversion of up to 4,560 AF Water at Folsom Lake

CCAO-FONSI-10-4

Recommended by:



Date:

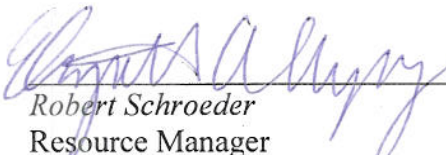
6/18/10

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FINDING OF NO SIGNIFICANT IMPACT

40 YEAR LONG-TERM WARREN ACT CONTRACT FOR DIVERSION AND REDIVERSION OF 4,560 AF WATER AT FOLSOM LAKE

*An Agreement for Facility Access and Use for Water Rediverted
from Weber Reservoir and Pre-1914 Water Rights at:*

- *Slab Creek (Summerfield Ditch)*
- *Hangtown Creek (Gold Hill Ditch)*
- *Weber Creek (Farmers Free Ditch)*

In accordance with the National Environment Policy Act of 1969, as amended, the Central California Area Office of the U.S. Bureau of Reclamation has determined that an Environmental Impact Statement is not required for the approval of 40 year Warren Act Contract with the El Dorado Irrigation District. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment: *Long Term Warren Act Contract between the Bureau of Reclamation and the El Dorado Irrigation District for Pre-1914 Appropriative Water Rights and Weber Reservoir Water Rights dated November 2009*, and is hereby incorporated by reference

INTRODUCTION

The proposed 40 year contract will allow El Dorado Irrigation District (EID) to add new places and purposes of use and new points of diversion and rediversion for 4,560 acre-feet (af) of non-Project water through Folsom Reservoir for municipal and industrial (M&I) uses in EID's existing federal service area. The water associated with the pre-1914 water rights was historically diverted from Weber, Slab, and Hangtown Creeks into EID's ditch system and provided to its customers. The purpose of executing the proposed 40 year Warren Act Contract is to allow for the conveyance of 4,560 acre feet of EID water rights water through Folsom Reservoir and a long term Warren Act Contract is needed to: 1) help meet the existing need for additional water supplies in and around the El Dorado Hills area and to facilitate the County General Plan, 2) support EID's ongoing water supply planning and conservation activities, and 3) help EID facilitate the implementation of instream flow targets for Weber Creek as defined in the proposed Operations Agreement with the State of California and Memorandum of Understanding between and DFG.

Reclamation is the Federal lead agency under NEPA for this proposed action. Reclamation has found that an EIS is not required for the proposed long-term Warren Act Contract with the El Dorado Irrigation District (EID) to facilitate the delivery of up to 4,560 acre-feet (af) of non-project water. Reclamation released the draft EA for 30-day public review on May 16, 2008. Reclamation's responses to comments received on the draft EA are included in Appendix G.

FINDINGS

Reclamation's implementation of the Proposed Action will result in a Finding Of No Significant Impact (FONSI) and this Finding is based upon the following:

Water Supply and Hydrology

Implementation of the Proposed Action would result in no adverse direct, indirect, or cumulative effects for Weber Creek, Hangtown Creek, or Slab Creek because the existing instream flows would remain the same. EID and Reclamation entered into one-year Warren Act contracts from 2001-2010 to allow EID to divert the ditch rights water at Folsom Reservoir to help meet the existing water needs in El Dorado Hill. Prior to 2001, EID did not divert the water at Folsom Reservoir. Implementation of the Proposed Action would not alter the supply or quantity of CVP water assigned to the water contractors under their existing water service contracts and will not change CVP water operations. Therefore, the proposed action would have no adverse effect on total water supply or operations of the CVP.

Facility Operations

The Proposed Action would not adversely affect Reclamations operations of Folsom Reservoir for the Central Valley Project and State Water Project operations because the analysis on the potential effects of diversions on Folsom Reservoir coldwater pool (September 14, 2007) conducted for implementation of the Contract found that there were no adverse affects to Folsom Reservoir operations or Reclamation's management of the cold water pool.

Because Folsom Reservoir's coldwater storage is limited, Reclamation must carefully manage reservoir releases throughout each water year, in order to provide cold water for steelhead juvenile rearing during the summer, and for fall-run Chinook salmon immigration and spawning during the fall. In most years, the summer temperature target of 65°F or less at Watt Avenue for the protection of juvenile steelhead is exceeded. From 1999 through 2009 the 65°F water temperature target was exceeded every summer except for the summer of 2005. This is important because exposure to mean daily water temperatures warmer than 65°F is associated with the prevalence of bacterial infections in juvenile steelhead in the lower American River. Therefore, any proposed projects that would decrease Folsom Reservoir coldwater pool volume would be expected to make achieving the summer temperature target more difficult, and as such, would generally be expected to have the potential to adversely affect lower American River steelhead and their designated critical habitat.

Land Use

The proposed action does not provide for development of any Reclamation facilities or structures to assist with the diversion of 4,560 af of water. Essentially the same amount of water will be provided within a portion of EID's service area for established uses.

Supply of water to the EID service area may allow for land use changes within El Dorado County. However, the land use changes that may arise are directed and governed by El Dorado County. Future impacts resulting from land use development are governed by El Dorado County's General Plan (2004) and many developers have vested legal rights with the County to develop.

Biological Resources

No reductions in flow would occur in natural streams conveying project water to Folsom Reservoir. No change in flows will occur in streams conveying project water from former ditch diversions. Consistent flows available in Weber Creek pursuant to agreements between the CDFG and EID are expected to provide benefits to instream resources, including potential California red-legged frog habitat. The analysis for the long-term Warren Act contract found that there was not a significant adverse affect to Folsom Reservoir operations or cold water pool management with implementation of a forty-year contract; as a result it is reasonable to conclude that implementation of the Proposed Action would also not result in any adverse affects to Reclamation's operation of Folsom Reservoir or management of the cold water pool to meet downstream fisheries requirements for steelhead and fall- and spring-run Chinook salmon.

- Water delivered under the Proposed Action will be delivered to EID's existing federal service area and has undergone consultation by the FWS (Reference 1-1-04-F-0489 dated January 12, 2006 and 81420-2009-F-1134-1 dated November 2, 2009 and amended 81420-2009-F-1134-2 dated January 19, 2010). Conservation recommendations include: (1) funding and providing support for land acquisition and management of the Pine Hill Preserve, and assist the Service with a status evaluation of the plants on the Preserve and (2) assisting the Service in working with El Dorado County to develop a strategy for providing for the long-term protection and preservation of gabbro plant species in El Dorado County while allowing the County to implement its General Plan.
- Consultation with the National Marine Fisheries Service (NMFS) concluded on June 8, 2010 (Reference 2009/06932) with written concern regarding the potential effects the 40-year Contract would have on the Folsom Reservoir coldwater pool volume which may affect but not likely adversely affect listed fisheries. Because spring-and winter-run Chinook salmon only use the lower American River for non-natal rearing and are believed to be present in the river only during the winter and early spring, when water temperatures are not a concern, the proposed action is not expected to adversely affect those listed fish or their designated critical habitat. In addition, the action area does not provide habitat for the threatened Southern Distinct Population Segment of North American green sturgeon, and therefore the proposed action will not affect this listed species or its designated critical habitat.
- No ground disturbing activities are associated with the proposed action to facilitate the delivery of up to 4,560 acre-feet of non-Project water through Folsom Reservoir for municipal and industrial (M&I) uses in EID's existing federal service area.
- Only water measured and reported is available for diversion.

Recreational Resources

The proposed action will not cause changes in Reclamation's Central Valley Project operations that determine reservoir shortage or the amount or timing of water deliveries. Therefore, no impacts to recreational resources are anticipated.

Social and Economic Resources

The proposed action is allowing for the withdrawal of water from an area different than that in which it was historically diverted. Although the action allows for water withdrawal in a different area, a 40 year Warren Act Contract would not have an adverse effect on human health or the environment, as defined by environmental justice policies and directives. The proposed action will not disproportionately affect any socio-economic or low-income groups. The contract maintains the socio-economic conditions in the area by providing water needed for residential, commercial, industrial, and other enterprises, thus maintaining employment opportunities.

Cultural Resources

Implementation of the Proposed Action would result in no potential to affect historic properties pursuant to the regulations at CFR Part 800.3(a)(1). The action includes no new structures such as dams, canals, or reservoirs, construction activities, or physical changes to the environment and would therefore not affect prehistoric, historic, or traditional cultural properties.

Indian Trust Assets

No Indian Trust Assets occur within the action area. Therefore, no direct or indirect impacts to Indian Trust Assets will occur.